



MISSOURI ETHICS COMMISSION

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Julie A. Allen

Executive Director

April 4, 2011

Opinion No. 2011.04.L.003

At the April 1, 2011 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

Is a company or its staff who are principally engaged in media relations and media consulting required to register as a lobbyist and/or principal in Missouri if the firm:

- *Occasionally creates and distributes client news releases regarding pending legislation or the actions of the legislative, executive and judicial branches of state government or of local governments.*
- *Occasionally monitors Capitol discussion of legislation of interest to clients, including attending hearings and floor debate, as well as similar deliberations of local governmental bodies;*
- *Does not provide personal testimony before legislative committees;*
- *Does not specifically meet with legislators or their offices on behalf of clients.*

§105.470, RSMo contains specific definitions of elected local government official lobbyist, and executive, judicial and legislative lobbyists. These definitions contain activities which specifically qualify as lobbying, and then include examples of activities which by themselves do not require a person to register. For example, a legislative lobbyist is defined in §105.470(5), RSMo as follows:

any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

The statute then contains the following examples of conduct which by itself does not constitute lobbying:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

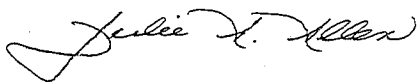
b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;

d. Testifying as a witness before the general assembly or any committee thereof.

This opinion is issued within the context of Missouri's lobbying law pursuant to Chapter 105, and assumes the facts presented by you in your letter. In your request, you include examples which involve monitoring and disseminating information about legislation, and which can be considered informational in nature. The statute does not require a person to register as a lobbyist if these are the sole activities conducted. You do not include specific examples in which the company or its staff is acting for the purpose of influencing the general assembly and falls within one of the qualifying factors. In the event your activities fall within the definition of lobbyist, it will be necessary to register within 5 days of engaging in lobbying activities.

Sincerely,



Julie A. Allen, CPA, PMP
Executive Director